

Best Available Copy

Atty. Dkt. No. 024827-4901

\$DAC  
JA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Souissi, et al.

Title: METHOD AND APPARATUS  
FOR DISTRIBUTED DATA  
TRANSFER OVER MULTIPLE  
INDEPENDENT WIRELESS  
NETWORKS

Appl. No.: 09/938,357

Filing Date: 08/23/2001

Examiner: Smith

Art Unit: 2681

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.  <b>Susan T. Golab</b> (Printed Name)  <i>Susan T. Golab</i> (Signature)  <b>June 26, 2006</b> (Date of Deposit)
---

**RENEWED PETITION TO WITHDRAWAL HOLDING OF ABANDONMENT OR IN  
THE ALTERNATIVE FOR REVIVAL OF APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to file a timely and proper response to the Notice of Allowance mailed on January 14, 2005, which set a three-month period for response.

APPLICANTS HEREBY RENEW THEIR PETITION TO WITHDRAWAL THE HOLDING OF ABANDONMENT OR IN THE ALTERNATIVE FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Required reply and/or fee;
- (2) Petition fee (37 C.F.R. § 1.17(m));
- (3) Statement that the abandonment was unintentional; and
- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

07/03/2006 12:58:01 00000063 061450 09938357  
01 PC-0033 750.00 DA

- (1) Required reply and/or fee.

The proposed reply and required fee for the above-noted Notice of Allowance in the form of the required issue fee is enclosed herewith.

- (2) Petition fee (37 C.F.R. § 1.17(m))

The Commissioner is hereby authorized to charge any fees which may be required regarding this Petition to Revive under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450.

- (3) Statement that the abandonment was unintentional.

Applicants hereby restate that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional. A thorough search of the file jacket and docket records of this application indicates a Notice of Allowance was never received from the United States Patent and Trademark Office. The Notice of Allowance was mailed by the United States Patent and Trademark Office on January 14<sup>th</sup> 2005, but was addressed improperly and subsequently returned undelivered. (See Exhibit C).

This application was filed on August 23, 2001. On November 3<sup>rd</sup>, 2003 the practitioner then handling the application, Donald L. Bartels, mailed a change of correspondence address to the United States Patent and Trademark Office and included a return receipt postcard. (see Exhibit A). The return receipt postcard was returned to Mr. Bartels' new address by the United States Patent and Trademark Office on November 12<sup>th</sup>, 2003. (see Exhibit B). Despite this action, the Notice of Allowance was sent by the United States Patent and Trademark Office to the incorrect previous address of Mr. Bartels and subsequently returned to the sender. (see Exhibit C). Eventually, after the issuance of the Notice of Allowance and Issue Fee Due in January 2005, responsibility for this application was transferred to new counsel. (see Exhibit E). Upon receiving the transfer file, new counsel reviewed the file history of the application and compared it to the image file wrapper in PAIR on the U.S. Patent and Trademark Office website. The USPTO's mailing error was not discovered until new counsel made the comparison and discovered that a Notice of Allowance had been issued but sent to the wrong address by the USPTO. By this time, the period for response to the Notice of Allowance had already passed.

### **REMARKS**

The Petitions Attorney dismissed Applicants' Petition To Withdrawal Holding Of Abandonment Or In The Alternative For Revival Of Application For Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b). In supporting the dismissal, the Petitions Attorney asserts that Applicants have not established that their prior representative, Mr. Bartels, for whom the PTO did not enter an earlier request for change of address, was the attorney of record when the Notice of Allowance and Issue Fee Due was mailed. Specifically, the petitions Examiner stated "[w]hile it is regrettable that the Office failed to enter the request for change of correspondence address in November 2003, the Notice of Allowance and Issue

Fee Due was not mailed until November 14, 2005.” Applicants respectfully note that the Notice of Allowance and Issue Fee Due was not mailed on November 14, 2005 as indicated by the Petitions Examiner, but rather January 14, 2005. Applicants have attached a photocopy of the Notice of Allowance and Issue Fee Due as Exhibit C.

Applicants believe that the record clearly establishes that the USPTO had received a change of address form in November 2003 and mailed a Notice of Allowance and Issue Fee Due in January 2005 to the incorrect address while Applicants were still represented by Mr. Bartels. In fact, the period of time for response to the Notice of Allowance and Issue Fee Due expired on April 14, 2005, though no Notice of Abandonment was ever issued by the PTO. The present representatives did not assume responsibility for the prosecution of this application until August of 2005, seven months after the Notice of Allowance and Issue Fee Due was mailed and four months after the period for response had expired. Applicants are submitting herewith as Exhibit D, a Declaration of Mr. Mark Waters, Deputy General Counsel for Assignee Novatel Wireless, Inc. supporting that Mr. Bartels was the representative responsible for prosecution at the time when the Notice of Allowance and Issue Fee Due was mailed. In addition, Applications are submitting herewith a revocation of power of attorney and appointment of power of attorney as Exhibit F.

(4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

Date JUNE 26, 2006

FOLEY & LARDNER LLP  
Customer Number: 27433  
Telephone: (312) 832-4553  
Facsimile: (312) 832-4700

Respectfully submitted,

By 

G. Peter Albert, Jr.  
Attorney for Applicant  
Registration No. 37,268



Atty. Dkt. No. 024827-4901

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Souissi, et al.

Title: METHOD AND APPARATUS  
FOR DISTRIBUTED DATA  
TRANSFER OVER MULTIPLE  
INDEPENDENT WIRELESS  
NETWORKS

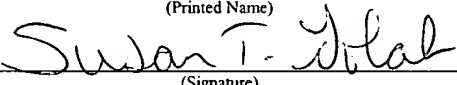
Appl. No.: 09/938,357

Filing Date: 08/23/2001

Examiner: Smith

Art Unit: 2645

Batch No.: 2681

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.
Susan T. Golab (Printed Name)
 (Signature)
June 26, 2006 (Date of Deposit)

**RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT AND  
ISSUE FEE TRANSMITTAL**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-reference patent application went abandoned due to failure to pay the issue fee on time. However, due to extenuating circumstances, applicant encloses a Renewed Petition to Withdraw the Holding of Abandonment or in the Alternative for Revival of Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b). In support of this Renewed Petition, Applicant has attached as Appendix I:

Exhibit A – Postcard and Change of Correspondence Address Under 37 C.F.R. § 1.33(d);

Exhibit B – Stamped Return Postcard;

Exhibit C – Incorrectly addressed Office Action mailed by Patent Office;

Exhibit D – Declaration of Mr. Patrick Waters;

Exhibit E – Previously Filed Change of Address; and

Exhibit F – Revocation and Power of Attorney

Also enclosed herewith please find Issue Fee Transmittal Form PTOL-85(B) and an Assertion of Small Entity Status.

Applicants believe that now fee is due as the proper petition fee was paid with the filing of the Petition To Withdraw Holding of Abandonment and Issue Fee Transmittal. However, the Commissioner is hereby authorized to charge any necessary fees which may be required regarding this Renewed Petition under 37 C.F.R. §§ 1.16-1.18, or credit any overpayment, to Deposit Account No. 06-1450.

Date JUNE 26, 2006

FOLEY & LARDNER LLP  
Customer Number: 27433  
Telephone: (312) 832-4553  
Facsimile: (312) 832-4700

Respectfully submitted,

By 

G. Peter Albert, Jr.  
Attorney for Applicant  
Registration No. 37,268

# **APPENDIX I**

## **SUPPORTING DOCUMENTATION**

RT B - FEE(S) TRANSMITTAL



Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All fee correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7590 01/14/2005  
**G. Peter Albert, Jr.**  
**Foley & Lardner, LLP**  
**321 North Clark Street**  
**Suite 2800**  
**Chicago, IL 60610**

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,357	08/23/2001	Slim Salah Souissi	05118-45 (6507/60484)	1601

**TITLE OF INVENTION: METHOD AND APPARATUS FOR DISTRIBUTED DATA TRANSFER OVER MULTIPLE INDEPENDENT WIRELESS NETWORKS**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	04/14/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
SMITH, CREIGHTON H	2643	455-454000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. **Foley & Lardner, LLP**

2. \_\_\_\_\_

3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

**Novate Wireless, Inc.**

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

**San Diego, CA**

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number **06-1450** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

**G. Peter Albert, Jr.**

Date **FEBRUARY 9, 2006**

Typed or printed name

Registration No. **37,268**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



Atty. Dkt. No. 024827-4901

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Souissi, et al.

Title: METHOD AND APPARATUS  
FOR DISTRIBUTED DATA  
TRANSFER OVER MULTIPLE  
INDEPENDENT WIRELESS  
NETWORKS

Appl. No.: 09/938,357

Filing Date: 08/23/2001

Examiner: Smith

Art Unit: 2645

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below. <i>Elizabeth Dutton</i> (Printed Name) <i>Elizabeth</i> (Signature) <i>02-04-06</i> (Date of Deposit)
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**ASSERTION OF SMALL ENTITY STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.27(c)(1), Applicants hereby assert entitlement to small entity status in the above-identified application.

Respectfully submitted,

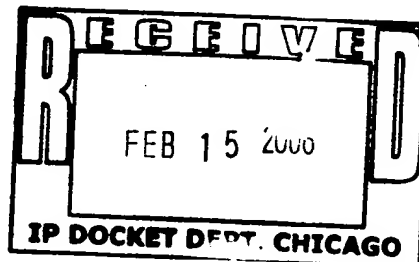
Date FEBRUARY 9, 2006

By *[Signature]*

FOLEY & LARDNER LLP  
Customer Number: 27433  
Telephone: (312) 832-4553  
Facsimile: (312) 832-4700

G. Peter Albert, Jr.  
Attorney for Applicant  
Registration No. 37,268

CHIC\_1320948.1



*MSE*



# **EXHIBIT A**

Souissi, et al. DLB/lmc  
5118-45 Filing Date: August 23, 2001  
Application Serial No. 09/938,357

**METHOD AND APPARATUS FOR DISTRIBUTED DATA  
TRANSFER OVER MULTIPLE INDEPENDENT WIRELESS  
NETWORKS**

- Change of Correspondence Address (1 page)
- Return Receipt Postcard

These items were mailed to the U.S. Patent and Trademark  
Office on November 3, 2003  
Please acknowledge receipt. Thank you.  
Coudert Brothers LLP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Souissi, et al.

Serial No.: 09/925,566

Filed: August 23, 2001

For: METHOD AND APPARATUS  
FOR DISTRIBUTED DATA  
TRANSFER OVER MULTIPLE  
INDEPENDENT WIRELESS  
NETWORKS

Group Art Unit: 2682

Examiner: Banks, Harold

Attorney Docket: 05118-45

**CERTIFICATE OF  
MAILING/TRANSMISSION  
(37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 20231-1450.

11/3/03 By: Linda Clinkenbeard  
Linda Clinkenbeard

**CHANGE OF CORRESPONDENCE ADDRESS UNDER 37 C.F.R. §1.33(d)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please address all future correspondence regarding the above-identified patent application

to:

Donald L. Bartels  
Coudert Brothers LLP  
Two Palo Alto Square  
3000 El Camino Real  
Fourth Floor  
Palo Alto, CA 94306-2121

Respectfully submitted,

Donald L. Bartels  
Donald L. Bartels  
Registration No. 28,282

November 3, 2003  
COUDERT BROTHERS LLP  
Two Palo Alto Square  
3000 El Camino Real  
Fourth Floor  
Palo Alto, CA 94306-2121  
Tel: (650) 739-2800  
Fax: (650) 739-2801

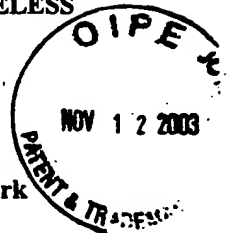
## **EXHIBIT B**

Souissi, et al. DLB/lmc  
5118-45 Filing Date: August 23, 2001  
Application Serial No. 09/938,357

**METHOD AND APPARATUS FOR DISTRIBUTED DATA  
TRANSFER OVER MULTIPLE INDEPENDENT WIRELESS  
NETWORKS**

- Change of Correspondence Address (1 page)
- Return Receipt Postcard

These items were mailed to the U.S. Patent and Trademark  
Office on November 3, 2003  
Please acknowledge receipt. Thank you.  
Coudert Brothers LLP



# **EXHIBIT C**

Organization **TC2600** **BIG/KOON**  
U. S. DEPARTMENT OF COMMERCE  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

IF UNDELIVERABLE RETURN IN TEN DAYS TO SENDER

OFFICIAL BUSINESS

RETURNED TO SENDER

Reason: Tell No Address

Moved - Not Forwardable

Forwarding Order Expired

NO SUCH NUMBER

REFUSED  
VACANT

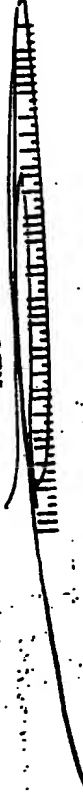
AN EQUAL OPPORTUNITY EMPLOYER

FOR PRIVATE USE \$200  
PB METER  
1903691 U.S. POSTAGE  
\$0.833



COUD600 941093022 IN 07 01/22/05  
RETURN TO SENDER

NO FORWARD ORDER ON FILE  
UNABLE TO FORWARD  
RETURN TO SENDER





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,357	08/23/2001	Slim Salah Souissi	05118-45 (6507/60484)	1601

7590

01/14/2005

COUDERT BROTHERS  
600 Beach Street, 3rd Floor  
San Francisco, CA 94109

RECEIVED  
FEB 15 2005  
Technology Center 2600

EXAMINER
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SMITH, CREIGHTON H

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/14/2005

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 791 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 791 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 01/14/2005  
COUDERT BROTHERS  
600 Beach Street, 3rd Floor  
San Francisco, CA 94109

EXAMINER

SMITH, CREIGHTON H

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 01/14/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,357	08/23/2001	Slim Salah Souissi	05118-45 (6507/60484)	1601

TITLE OF INVENTION: METHOD AND APPARATUS FOR DISTRIBUTED DATA TRANSFER OVER MULTIPLE INDEPENDENT WIRELESS NETWORKS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	04/14/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# ART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or **Fax** (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

01/14/2005

COUDERT BROTHERS  
600 Beach Street, 3rd Floor  
San Francisco, CA 94109

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,357	08/23/2001	Slim Salah Souissi	05118-45 (6507/60484)	1601

TITLE OF INVENTION: METHOD AND APPARATUS FOR DISTRIBUTED DATA TRANSFER OVER MULTIPLE INDEPENDENT WIRELESS NETWORKS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	04/14/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
SMITH, CREIGHTON H	2645	455-454000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **Notice of Allowability**

Application No.

09/938,357

Examiner

Creighton h Smith

Applicant(s)

SOUISSI ET AL

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 23 August 2001.

2. ☒ The allowed claim(s) is/are 1-21.

3. ☒ The drawings filed on 23 August 2001 are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_

4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_

Art Unit: 2645

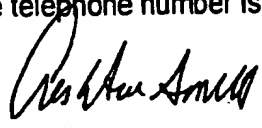
### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose an RF modem that will receive a plurality of message fragments originating from a proxy server/message split controller. The proxy server will split the message into its plurality of fragments according to predetermined criteria, with each message transmitted to the RF modem as a separate signal by separate independent transmitting sources. No obvious combination of references found would have taught one having ordinary skill in the art to make and use applicant's apparatus as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Creighton h Smith whose telephone number is 308-2488. The examiner can normally be reached on M-F.

06 Jan. '05

  
Creighton h Smith  
Primary Examiner  
Art Unit 2645

\*\*\*

FORM PTO-1449 (Modified)

ATTY. DOCKET NO.

SERIAL NO.

05118-45 (6507/60484)

09/938,357

LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT(S) INFORMATION DISCLOSURE  
STATEMENT

APPLICANT SLIM SALAH SOUSSI, et al.

FILING DATE:  
August 23, 2001GROUP ART UNIT:  
2681COPY OF PAPERS  
ORIGINALLY FILED

(Use several sheets if necessary)

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	Class	Subclass	Filing Date if Appropriate
CH	A1	6,138,158	10/24/2000	Boyle, et al.			
CH	A2	6,185,208	02/06/2001	Liao,			
	A3						
	A4						
	A5						
	A6						
	A7						
	A8						
	A9						
	A10						
	A11						

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MAR 21 2002

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## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	Subclass	TRANSLAT'N	
							yes	no
	B1							
	B2							
	B3							

## OTHER ART (Include Author, Title, Date, Pertinent Pages, Etc.)

	C1	
	C2	
	C3	
	C4	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant(s).

(Information Disclosure Statement — Section 9 PTO-1449 (Modified) [6-1]) Suppl. IDS. 1

FORM PTO-1449 (Modified)

ATTY. DOCKET NO.  
05118-45 (6507/60484)SERIAL NO.  
09/938,357LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT(S) INFORMATION DISCLOSURE  
STATEMENTAPPLICANT  
Slim Salah Souissi, *et al.*FILING DATE  
08/23/01GROUP ART UNIT  
2681

(Use several sheets if necessary)



## PATENT REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	Subclass	Filing Date If Appropriate
CHS	A1	6,009,087	12/28/99	Uchida, <i>et al.</i>			
CHS	A2	5,805,581	09/08/98	Uchida, <i>et al.</i>			

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## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	Subclass	TRANSLATION	
							YES	NO
	B1							

## OTHER ART (Include Author, Title, Date, Pertinent Pages, Etc.)

C1

EXAMINER

CHS

DATE CONSIDERED

1/05

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant(s).

<b>Notice of References Cited</b>	Application/Control No. 09/938,357	Applicant(s)/Patent Under Reexamination SOUISSI ET AL.	
	Examiner Creighton H Smith	Art Unit 2645	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,397,259	05-2002	Lincke et al.	709/236
	B	US-6,389,010	05-2002	Kubler et al.	370/353
	C	US-6,343,318	01-2002	Hawkins et al.	709/219
	D	US-5,574,979	11-1996	West, Guy J.	455/63.1
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

## **EXHIBIT D**

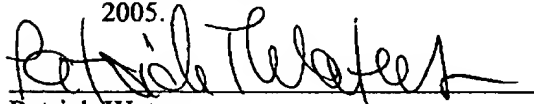


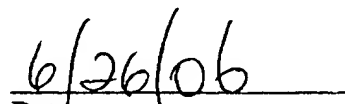
**Applicant:** Souissi, et al.  
**Title:** METHOD AND APPARATUS FOR DISTRIBUTED  
DATA TRANSFER OVER MULTIPLE  
INDEPENDENT WIRELESS NETWORKS  
**Appl. No.:** 09/938,357  
**Filing Date:** 08/23/2001  
**Examiner:** Smith  
**Art Unit:** 2681

**DECLARATION OF MR. PATRICK WATERS IN SUPPORT OF  
RENEWED PETITION TO WITHDRAWAL HOLDING OF ABANDONMENT  
OR IN THE ALTERNATIVE FOR REVIVAL OF APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

The undersigned, Patrick Waters hereby declares and states as follows:

1. The purpose of this Declaration is to establish that Mr. Bartels was the attorney of record as of the mailing date of the Notice of Allowance and Issue Fee Due.
2. I have personal knowledge of the relevant facts concerning the prosecution of Pat. App. Ser. No. 09/938,357 and am generally familiar with the file history of the present application.
3. The present application was filed on August 23, 2001 by Mr. Donald Bartels on behalf of the Applicants and their Assignee, Novatel Wireless, Inc.
4. On November 3, 2003, Mr. Bartels mailed a change of address form to the U.S. Patent and Trademark Office, at which time Mr. Bartels was still representing Novatel Wireless in prosecuting this application.
5. The U.S. Patent and Trademark Office mailed a Notice of Allowance and Issue Fee Due on January 14, 2005 to the wrong address, using Mr. Bartels old postal address. As of the mailing of the Notice of Allowance and Issue Fee Due, Mr. Bartels continued to represent Novatel Wireless for prosecution of this application. However, no copy of the Notice of Allowance and Issue Fee Due was received by Applicants, Novatel, or their representative, Mr. Bartels.
6. The prosecution of this application was subsequently transferred to the current counsel in August 2005.

  
Patrick Waters  
Deputy General Counsel  
Novatel Wireless, Inc.

  
Date

## **EXHIBIT E**

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P. 4

AUG 29 2005

Atty. Dkt. No. 024827-4901

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Souissi, et al.  
Title: METHOD AND APPARATUS  
FOR DISTRIBUTED DATA  
TRANSFER OVER MULTIPLE  
INDEPENDENT WIRELESS  
NETWORKS  
Appl. No.: 09/938,357  
Filing Date: 08/23/2001  
Examiner: Smith  
Art Unit: 2645

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. <u>Debra Davidson</u> (Printed Name) <u>Debra Davidson</u> (Signature) <u>8-29-05</u> (Date of Deposit)
---

**CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant's attorney respectfully requests that the records of the United States Patent and Trademark Office in connection with the above-identified application be changed to show the following customer number for all future communications.

Customer Number: 27433

Respectfully submitted,

Date 8-29-05By 

Foley & Lardner LLP  
321 North Clark Street, Suite 2800  
Chicago, Illinois 60610

G. Peter Albert, Jr.  
Attorney for Applicant  
Registration No. 37,268  
Telephone: (312) 832-4553  
Facsimile: (312) 832-4700

## **EXHIBIT F**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Souissi, et al.

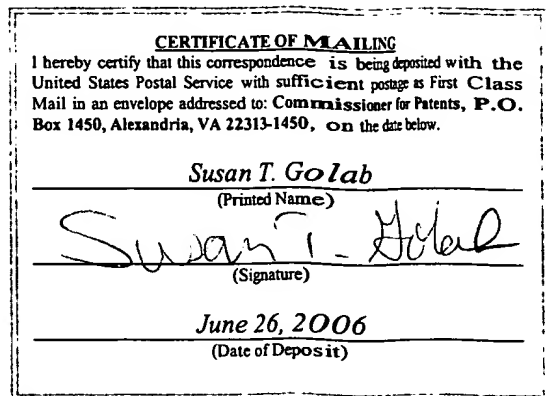
Title: METHOD AND APPARATUS  
FOR DISTRIBUTED DATA  
TRANSFER OVER MULTIPLE  
INDEPENDENT WIRELESS  
NETWORKS

Appl. No.: 09/938,357

Filing Date: 08/23/2001

Examiner: Smith

Art Unit: 2645



**REVOCATION OF PRIOR POWERS OF ATTORNEY BY ASSIGNEE**  
**APPOINTMENT OF NEW POWER OF ATTORNEY BY ASSIGNEE**  
**CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Novatel Wireless, Inc. is the assignee of Application No. 09/938,357 filed August 23, 2001, and all continuing applications thereof, as evidenced by an Assignment recorded in the U.S. Patent and Trademark Office on February 12, 2002 at reel/frame 012615/0732.

Novatel Wireless, Inc., through its duly-delegated representative, hereby revokes all prior Powers of Attorney submitted in this application, and hereby appoints

the registered patent attorneys and patent agents associated with Customer Number:

**27433**

as its principal attorneys to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, to transact all business in the United States Patent and Trademark Office connected therewith, and to have full power of substitution, association, and revocation, including the power to revoke the power of attorney of any associate attorney.

Please direct all future correspondence concerning this application to:

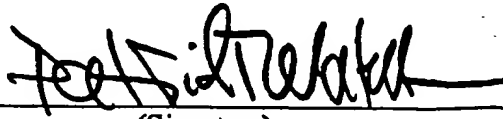
G. Peter Albert, Jr.  
FOLEY & LARDNER LLP  
Customer Number: 27433

Telephone: (312) 832-4553  
Facsimile: (312) 832-4700

Executed this 29th day of August, 2005.

NOVATEL WIRELESS, INC.

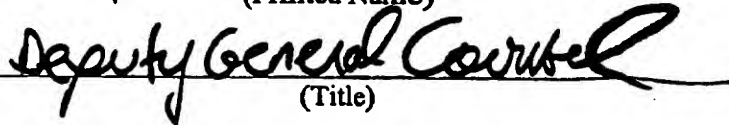
By:



(Signature)



(Printed Name)



(Title)

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